

## REMARKS

The Applicants and the undersigned thank Examiner Al Aubaidi for a careful review of the present application. Consideration of this application is respectfully requested in view of the following remarks, which are responsive to the Official Action mailed January 11, 2007.

Upon entry of this Amendment, Claims 1-48 are pending in the present application, with Claims 1, 19, 31, 35, 39, 43, and 46 being the independent claims. The Applicants have amended Claims 1-4, 19, 31, 39, and 43 and have added Claims 46-48 to provide a scope of protection commensurate with the original disclosure. The claim amendments and added claims do not add new matter.

The Examiner issued pending rejections under 35 U.S.C. § 103(a) of Claims 1-43 based on an assertion that these claims are obvious over U.S. Patent Number 6,914,975 to Koehler et al. (hereinafter "*Koehler*") in view of U.S. Patent Number 6,754,331 to McCormack (hereinafter "*McCormack*"). The Applicants offer the following remarks to traverse the pending rejections.

### **I. New Claim 46 is patentable over *Koehler* and *McCormack***

New Claim 46 defines a method for training an agent of a contact center. The method requires the steps of: (i) determining that delivery of a first training content to the agent is more pressing than delivery of a second training content to the agent; (ii) if the contact center is operating within a range of states, transmitting the first training content to the agent over the second training content; and (iii) if the contact center is operating outside the range of states, transmitting the second training content to the agent over the first training content.

The Applicants respectfully submit that Claim 46 is distinguishable over *Koehler*, *McCormack*, and an alleged combination thereof at least because the claim recites one or more features that is not disclosed, not taught, and not suggested by either reference. Moreover, the claim recites a combination of features that a theoretical combination of the cited references does not disclose, teach, or suggest.

For example, Claim 46 requires a step for determining that delivery of a first training content to the agent is more pressing than delivery of a second training content to the agent. *Koehler* and *McCormack* do not disclose, teach, or suggest determining that delivery of one training content is more pressing than delivery of another training content in accordance with the recitations of Claim 46.

In contrast to this required step of Claim 46, *Koehler* discloses training call center agents via having the agents interact with simulated callers, while a trainer sets the level of coaching that each agent receives during the simulated caller interaction. See *Koehler*, Abstract and column 20, lines 3-7. *McCormack*, also in contrast to the claim, teaches extrapolating archived call center data from one past time to another past time in order to fill in a gap in recorded historical data. See *McCormack*, column 2, lines 1-15.

Moreover, Claim 46 requires the steps of: (ii) if the contact center is operating within a range of states, transmitting the first training content to the agent over the second training content; and (iii) if the contact center is operating outside the range of states, transmitting the second training content to the agent over the first training content. Neither *Koehler* nor *McCormack* disclose, teach, or suggest transmitting one training content over another depending upon whether a contact center is operating within or outside a range of states as required by Claim 46.

The teachings, suggestions, and disclosures of *Koehler* and *McCormack* contrast with transmitting one training content over another depending upon whether a contact center is operating within or outside a range of states. In significant contrast to the requirements of Claim 46, *Koehler* teaches training call center agents via having them interact with virtual customers. See *Koehler*, column 2, lines 21-36. *McCormack*, also in contrast to the required features, discloses filling in gaps in recorded data that describe past events. See *McCormack*, column 2, lines 1-15.

In view of the foregoing discussion of distinctions between Claim 46 and the art cited by the Examiner, the Applicants submit that Claim 46 is distinguishable over that art. Accordingly, the Applicants courteously ask the Examiner to allow Claim 46.

## **II. Independent Claim 1 is distinguishable from the cited references**

As amended, Claim 1 defines a computer-based method for managing delivery of performance interventions in a contact center. The method requires: (i) assigning a first priority to a first performance intervention and a second priority to a second performance intervention; (ii) determining a state of the contact center; (iii) comparing the state of the contact center to a state level; and (iv) responsive to the comparing step, if the state of the contact center is below the state level, delivering the first performance intervention over the second performance intervention. Amended Claim 1 is distinguishable from *Koehler*, *McCormack*, and a theoretical

combination thereof at least because those references do not disclose, teach, or suggest the required claim elements.

The Applicants respectfully submit that neither *Koehler* nor *McCormack* discloses, teaches, or suggests the claim element of assigning a first priority to a first performance intervention and a second priority to a second performance intervention. The Examiner has asserted that this claim recitation reads on a scenario alleged disclosed by *Koehler*, and the Examiner cites column 1, lines 26-30 of *Koehler* in support of that assertion. The allegedly disclosed scenario is one “of assigning a threshold to determine the lowest level of performance and the highest level of performance”, and “[n]ormally if performance drops below the lowest acceptable level, then training is required to improve the quality of the call center”. The Applicants respectfully disagree with the Examiner’s concerns that the claim may read on a scenario disclosed by *Koehler*.

Amended Claim 1 recites assigning a first priority to a first performance intervention and a second priority to a second performance intervention. Prioritizing performance interventions in accordance with the claim recitations is distinct from assigning performance thresholds to performance interventions as allegedly disclosed by *Koehler*. The Applicants respectfully refer the Examiner to lines 16-25 of page 34 of the Applicants’ patent application for a discussion of exemplary embodiments of prioritizing performance interventions. That passage is repeated immediately below for the Examiner’s convenience.

At any time, the contact center 400 typically maintains a list of performance interventions for which delivery is desirable. The performance interventions in the list have a range of priorities, or importance of delivery. In other words, delivery is critical for certain performance interventions and less important for others.

Intervention priority is typically set by management to define the relative importance or time-sensitive aspects of certain performance interventions relative to other others. For example, in advance of a seasonal sales flurry, such as selling flowers for Valentines Day, management may elect to define a flower-selling instructional session as a critical-priority performance intervention.

Additionally, the Applicants have not been able to locate in *Koehler* the disclosure that the Examiner alleges is present in that reference, specifically that of assigning a threshold to determine lowest and highest levels of performance and requiring training if performance drops

below the lowest acceptable level. As discussed above, *Koehler* teaches training call center agents via interactions with virtual, software-simulated customers. See *Koehler*, column 2, lines 21-36.

Moreover, amended Claim 1 requires at least one more feature that the references cited by the Examiner fail to disclose. The claim recites (ii) determining a state of the contact center; (iii) comparing the state of the contact center to a state level; and (iv) responsive to the comparing step, if the state of the contact center is below the state level, delivering the first performance intervention over the second performance intervention.

*Koehler* and *McCormack* do not disclose, in accordance with the claim requirements, responsive to comparing a state of a contact center to a state level, delivering one performance intervention over another performance intervention if the state is below the state level. The Applicants respectfully submit that neither reference discloses delivering one performance intervention over another based on state level.

In view of the above discussion of distinctions between the cited references and selected features of amended Claim 1, the Applicants submit that Claim 1 is patentable over *McCormack* and *Koehler* and respectfully request for the Examiner to withdraw the pending rejection.

### **III. Independent Claims 19, 31, 35, 39, and 43 are patentable over the cited references**

The Applicants respectfully submit that Claims 19, 31, 35, 39, and 43, as amended, are distinguishable from *McCormack* and *Koehler*. Each of these independent claims requires at least feature that neither of the cited references discloses, teaches, or suggests. Selected ones of those distinguishing features will be discussed below.

#### **Claim 31**

Amended Claim 31 defines a method for delivering performance interventions to agents of a contact center. The method requires: (i) determining a state of the contact center; (ii) receiving a state level; (iii) comparing the state of the contact center to the state level; (iv) selecting performance interventions for delivery to at least one of the agents in the contact center based on the comparing step; (v) identifying a time-sensitive performance intervention for delivery in advance of a time; (vi) estimating if the time-sensitive performance intervention will be delivered in advance of the time based on the state level; and (vii) if the estimating step

indicates that the time-sensitive performance intervention will not be delivered in advance of the time, modifying the state level.

First, the cited references do not disclose selecting performance interventions for delivery to an agent based on comparing the contact center's state to a state level, in accordance with the claim's requirements.

Second, those references do not disclose: estimating if a time-sensitive performance intervention will be delivered in advance of a time based on the state level; and if the estimate indicates that the time-sensitive performance intervention will not be delivered in advance of the time, modifying the state level. Neither *McCormack* nor *Koehler* teaches modifying a criterion for selecting performance interventions based on a determination of whether the unmodified criterion supports delivering a time-sensitive performance intervention by a certain time, as recited in amended Claim 31.

### **Claims 19, 35, 39, and 43**

The invention of amended Claim 19 requires steps for: (i) if the state of a contact center is in a state range, selecting at least one performance intervention for delivery to at least one agent; and (ii) if the state of the contact center is outside the state range, selecting at least one other performance intervention for delivery to the agent. As discussed above with reference to Claims 1 and 46, the cited references do not disclose selecting one performance intervention if a state of the contact center is in a state range and selecting a different performance intervention if the state is outside the state range.

Meanwhile, amended Claim 39 includes recitations for: selecting a performance intervention based on an intervention parameter, if the state is within the state range; and selecting a different performance intervention if the state is outside the state range. Accordingly, Claim 39, as amended, is distinguishable over the references that the Examiner has cited for similar reasons to those for Claim 19.

Claim 35 is also distinguishable over the cited references. That claim includes recitations for: (i) prioritizing two performance interventions; and (ii) providing the two performance interventions at two times in response to comparing a contact center state and a contact center state level. The Applicants respectfully submit that the cited references do not disclose the recited features.

Finally, Claim 43, as amended, requires (i) making a determination about whether a contact center state is within a contact center state range; and (ii) selecting one performance intervention for delivery to an agent over another performance intervention based on the determination, time sensitivity of the one performance intervention, and time sensitivity of the another performance intervention. As discussed above, *McCormack* and *Koehler* fail to teach, disclose, or suggest the required features of this claim.

In view of the foregoing, withdrawal of the pending rejections for each of Claims 19, 31, 35, 39, and 43 is respectfully requested.

**IV. Dependent Claims 2-18, 20-30, 32-34, 36-38, 40-42, 44, 45, 47, and 48 are patentable over *Koehler* and *McCormack***

Each of dependent Claims 2-18, 20-30, 32-34, 36-38, 40-42, 44, 45, 47, and 48 incorporates the recitations of the respective claim or claims from which it depends. In view of the above-described distinctions between the references cited by the Examiner and independent Claims 1, 19, 31, 35, 39, 43, and 46, as amended, the Applicants respectfully submit that dependent Claims 2-18, 20-30, 32-34, 36-38, 40-42, 44, 45, 47, and 48, as amended, are also patentable over *Koehler* and *McCormack*. Therefore, the Applicants courteously request for the Examiner to withdraw all pending rejections of these claims.

Moreover, each of dependent Claims 2-18, 20-30, 32-34, 36-38, 40-42, 44, 45, 47, and 48 recites features and combinations of features further defining the present invention over the cited art. Accordingly, the Applicants request separate and individual consideration of each dependent claim.

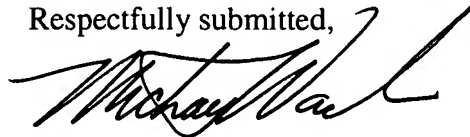
For example, the invention of Claim 18 requires the steps of (i) estimating whether delivering the first performance intervention to a first agent in the contact center will benefit the contact center more than delivering the first performance intervention to a second agent in the contact center; and (ii) responsive to the estimating step, delivering the first performance intervention to the first agent. Claim 27 includes a generally similar requirement. The Applicants submit that the cited references do not disclose making a decision about which agent should receive a performance intervention based on estimated benefit to a contact center as required by either of Claims 18 and 27.

**CONCLUSION**

To the extent that the Applicants have not addressed each specific point that the Examiner has raised or each specific rejection of every independent and dependent claim, the Applicants submit this paper shows that the independent claims, and thus all the claims, are allowable over the cited references. The Applicants have not acquiesced to any rejection or point raised by the Examiner and reserve the right to address the patentability of any additional claim features in the future.

The foregoing is submitted as a full and complete response to the Official Action mailed January 11, 2007. The Applicants thank Examiner Al Aubaidi for consideration of the amendments and remarks presented by this paper. The Applicants have shown that the pending claims are allowable and allowance of the claims is respectfully requested. It is believed that this response places the application in condition for allowance. Such action is courteously requested. If there are any issues that can be resolved with an Examiner's Amendment or a telephone conference, a telephone call to the undersigned at 404.572.3486 is respectfully requested.

Respectfully submitted,



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